

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 7, 2001

DIVISION ONE

B138521 People (Not for Publication)
v.
Guzman

We remand for the trial court to issue a new abstract of judgment showing the gang enhancement dismissed/stricken. The new abstract is to be sent to the Department of Corrections. In all other respects, the judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Mallano, J.

B145701 Mendez (Certified for Publication)
v.
Superior Court, Los Angeles County
(The People, r.p.i.)

The petition is denied.

Vogel (Miriam A.), J.

I concur: Spencer, P.J.
I concur with opinion: Mallano, J.

DIVISION ONE (Continued)

B145275 Roger L. Minor (Not for Publication)

v.

Superior Court, Los Angeles County

(Harold A. Noring, et al., r.p.i.)

We dismiss the petition as moot. The parties are to bear their own costs.

Ortega, J.

We concur: Spencer, P.J.

Mallano, J.

B143920 People (Not for Publication)

v.

Henry

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.

Vogel (Miriam A.), J.

B142730 Los Angeles County, D.C.F.S. (Not for Publication)

v.

Edgar C. and Natividad S.

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.

Vogel (Miriam A.), J.

March 7, 2001-Continued

DIVISION ONE (Continued)

B135212 Bernstein (Not for Publication)
v.
Bernstein

The trial court's order of August 19, 1999, requiring Lorraine Bernstein to make restitution is vacated. Wife is to recover costs on appeal.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

DIVISION TWO

B137653 PBC International, Inc. (Not for Publication)
v.
American Manufacturers Mutual Insurance Company, et al.

The judgment is reversed. Respondents are to bear costs on appeal.

Cooper, J.

We concur: Boren, P.J.
 Todd, J.

B142773 Peters (Not for Publication)
v.
Moore & Associaets Realtors, Inc., et al.

The order awarding attorney fees as sanctions is affirmed. The order of dismissal is reversed. The parties shall bear their own costs.

Cooper, J.

We concur: Boren, P.J.
 Nott, J.

March 7, 2001-Continued

DIVISION TWO (Continued)

B140588 People (Not for Publication)
v.
Ward

The judgment (order granting probation) is affirmed.

Cooper, J.

We concur: Boren, P.J.
 Todd, J.

B142365 People (Not for Publication)
v.
Hale

The judgment is affirmed.

Cooper, J.

We concur: Boren, P.J.
 Todd, J.

DIVISION THREE

B141519 Donald Souders et al. (Certified for Publication)
v.
Philip Morris Incorporated, etc., et al.

The judgment of dismissal is reversed. The trial court shall enter a new order overruling the demurrers to the first, second, third, fourth, fifth and tenth causes of action of the complaint. The trial court shall also correct its records to reflect that no demurrer was filed as to the eighth and ninth causes of action, which remain pending against Philip Morris and B&W. The Souders are to recover their costs on appeal.

Perluss, J. (Assigned)

We concur: Klein, P.J.
Aldrich, J.

March 7, 2001-Continued

DIVISION THREE (Continued)

B141246 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Divendra S.

The judgments are affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION FOUR

B140765 People (Not for Publication)
v.
Brown

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B140316 People v. Gaston (Not for Publication)

For the foregoing reasons, the judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
 Hastings, J.

March 7, 2001-Continued

DIVISION FIVE

B143214 People (Not for Publication)
v.
Jesus Sotelo

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

B142947 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Pamela L.
In re Daminote L., et al.

The orders denying the section 388 petition and terminating parental rights are affirmed.

Grignon, J.

We concur: Turner, P.J.
 Godoy Perez, J.

B142128 **Juanito Santos** (Not for Publication)
v.
State of California, Department of Social Services

The judgment is affirmed. Santos is to pay State's costs on appeal.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Willhite, J. (Assigned)

DIVISION FIVE (Continued)

B138700 People (Not for Publication)
B140119 v.
Johnny Castro

The trial court's order imposing sentence is reversed and this matter is remanded for further proceedings. Castro's waiver of a jury trial and admission of the prior conviction for a violation of Vehicle Code section 23152 are invalid. Upon remand, Castro may withdraw his waiver and admission and elect a jury trial or a court trial to determine the truth of the prior conviction allegation. If the conviction is found true, or if Castro does not withdraw his previous admission, the trial court is directed to sentence Castro to a term of 15 years to life in state prison for the manslaughter conviction. If the conviction is not admitted or found true, the trial court is directed to sentence Castro to a term of 11 years in state prison. The judgment of conviction is affirmed in all other respects.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B140703 Paul Janossy (Not for Publication)
v.
Gary Holmen

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

March 7, 2001-Continued

DIVISION FIVE (Continued)

B139696 People (Not for Publication)
v.
Larry King

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B138924 Jody LaPorte (Not for Publication)
v.
W Darrow Fiedler

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Grignon, Acting P.J.
Willhite, J. (Assigned)

DIVISION SIX

B142928 People (Not for Publication)
v.
Gray

The judgment is reversed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

March 7, 2001-Continued

DIVISION SEVEN

B141736 People
 v.
 Yasa

Filed order denying petition for rehearing.